

PROBATE CALENDAR NOTES

December 4, 2012

1:30 p.m., Department 40

The following are the Probate Calendar Notes for the probate calendar set for hearing December 4, 2012, in Department 40, Commissioner Michael A. Jacques, presiding. Department 40 is located at 10820 Justice Center Drive, Roseville, in the Santucci Justice Center.

If a verified petition on an accounting or petition for attorney fees is recommended for approval, no appearance is required. For all other matters, appearances are generally required. If you have questions regarding the following calendar notes, please contact the probate research attorney at (916) 408-6119. Do not contact Department 40 directly.

IF THE CALENDAR NOTES STATE THAT A DOCUMENT IS MISSING AND YOU HAVE A FILE-ENDORSED COPY OF THAT DOCUMENT, PLEASE FAX A COURTESY COPY OF THAT DOCUMENT TO (916) 408-6275. THE COURT DOES NOT ACCEPT DIRECT FAXES FOR FILING. ANY UNFILED DOCUMENT FAXED TO THIS LINE WILL NOT BE FILED.

Updated calendar notes will ordinarily be posted on the court day prior to the calendar. Please do not call the probate research attorney regarding the status of calendar notes until after checking for any updated notes.

1. S-PR-0003485 Thornton, Alvin L. - In Re the Conservatorship Of

Third account is recommended for approval as prayed.

Note: trustee's requested hourly rate of compensation has increased substantially since the prior accounting; however, the court has not located any opposition to the requested compensation.

2. S-PR-0004347 King, Ralph Edward - In Re the Estate Of

Appearance is required for hearing on petition for final distribution.

Missing notice of hearing; missing service of notice of hearing on Robert King and Lisa Palajac, Prob.C. §§ 11601(b), 6401(c)(3) & 6402(a).

Missing waiver of account by Robert King and Lisa Palajac, Prob.C. §§ 10954(a)(1), 6401(c)(3) & 6402(a).

Proposed distribution—including later-discovered property clause—is contrary to law as to any separate property of decedent. Prob.C. §§ 6401(c)(3) & 6402(a).

Counsel for petitioner may appear by phone; the court will contact counsel when the matter is called for hearing.

3. S-PR-0005169 Morgan, Doris Margaret - In Re the Estate of

Missing notice of hearing. Missing service as to Ralph Morgan, Patrick Morgan, Christopher Morgan, Key National Funding LLC. Proposed distribution conflicts with all specific devises in the will.

4. S-PR-0005888 Matsuda, Shinobu - In Re the Estate of

Petition for final distribution is recommended for approval as prayed.

5. S-PR-0006115 Lane, Lois Anne - In Re the Estate of

Request for extraordinary fees is not supported by a declaration in compliance with C.R.C. 7.702. Exhibit B to the petition appears incomplete in light of the extraordinary fees requested.

Mary O'Neill and Thomas Lane Jr., both identified in the original petition for probate as second cousins to decedent, are not included in the proposed distribution or proof of service of notice of hearing. Clarification is needed.

Accounting schedule C appears to be incomplete and does not support the disbursement amount indicated in the summary of account.

The petition provides insufficient information about the relationships of proposed distributees to decedent. The distributees include relatives of unequal degree (Tom Smith is listed in the original petition as a first cousin), invoking distribution per Prob.C. § 240, *refer* Prob.C. § 6402(d). § 240 cannot be applied without more detailed information concerning the family relationships.

Points and authorities are needed to support the proposed apportionment of costs of administration and application of paid creditor claims to the funds available to the estate. The proposed distribution is insufficiently explained or supported by legal authorities.

Points and authorities are needed to support the proposed distribution of the share for decedent Mary Bartels "in care of the attorney for the issue of Rosemary Bartels" (Petition at 5:26-27). Distribution should be to the personal representative of the estate of Bartels, if appointed. If distributee(s) cannot be located, distribution is to the county treasurer. Prob.C. § 11850. Notice is required to the personal representative (if appointed) or successors in interest. C.R.C. 7.51(e)(1).

Counsel requests this matter be continued to December 11, 2012, 1:30 p.m., in Department 40.

6. S-PR-0006412 Squires, Georgieanna - In Re the Estate of

Petition for final distribution is recommended for approval as prayed.

7. S-PR-0006484 Durfey - In Re the Revocable Trust of

It is recommended this matter be continued to January 22, 2013, 1:30 p.m., in Department 40, at the request of petitioner.

8. S-PR-0006576 Selby, Jill Ann - In Re the Estate of

Petition for final distribution is recommended for approval as prayed.

9. S-PR-0006583 Brenneise Supplemental Needs Trust - In Re the Trust of

Appearance required for continued hearing on petition to remove trustee and for other relief. Missing accounting by Mitchell Brenneise, suspended co-trustee.

Counsel may appear by telephone; the court will contact counsel when the matter is called for hearing.

10. S-PR-0006631 McNatt, Louise Teresa - In Re the Estate of

This matter will be heard in Department 32 at 1:30 p.m.

Amended petition to administer estate is recommended for approval.

11. S-PR-0006667 McLeaish, James Irving - In Re the Estate of

Petition to administer estate is recommended for approval as modified by the amendment and settlement agreement. Note: bond of \$355,000 to be imposed; letters cannot issue until bond is posted.

12. S-PR-0006736 Potts, Thomas Mark - In Re the Estate of

Petition to administer estate is recommended for approval as prayed. NOTE: letters cannot issue until signed duties form (DE-147) is filed, C.R.C. 7.150.

13. S-PR-0006756 Larkin, William G. Sr. - In Re the Estate of

Missing proof of publication. Missing signed duties form (DE-147); letters cannot issue until signed duties form is filed, C.R.C. 7.150.

14. S-PR-0006757 Andrew, Lilian Jennifer - In Re the Matter of

Real and personal property succession petition is recommended for approval as prayed.

15. S-PR-0006758 Mosley, Lula T. - In Re the Estate of

Clarification needed re venue: ¶ 3 contains contradictory allegations regarding decedent's residence. Missing required allegations re RDP (¶ 5(a)(3)-(4)).

16. S-PR-0006760 Beutler, Eden E. Family - In Re the Trust of

Appearance required for hearing on petition for instructions / interpretation of trust.

17. S-PR-0006766 Henning, Robert Chester II - In Re the Estate of

Missing service on Lilah Henning / Lilah Jewell; in-care-of notice is insufficient, C.R.C. 7.51(d). Missing allegations re bond (petition ¶ 2(d)(2)); clarification is needed.